

ORDINANCE NO. 24-007

AN ORDINANCE OF THE CITY OF GREENVILLE, TEXAS, PROHIBITING CAMPING ON CERTAIN PROPERTIES WITHOUT AN ACTIVE CERTIFICATE OF OCCUPANCY OR IN AREAS NOT ZONED FOR HUMAN HABITATION; ESTABLISHING PENALTIES FOR VIOLATIONS; PROVIDING FOR ENFORCEMENT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Greenville, Texas recognizes the need to maintain public health, safety, and welfare; and

WHEREAS, unauthorized camping on properties without an active certificate of occupancy and in areas not zoned for human habitation has become a concern in the community, and presents problems with emergency response, trash accumulation and human waste on those sites;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS:

1. That new "Article 10.06" of the Greenville Code of Ordinances be enacted as follows:

10.06.01. - Definitions

(a) "Camp" - To reside, dwell, or otherwise remain temporarily in a place, using transitory shelter, but does not include residing, dwelling or remaining in tents or temporary structures on private property for 72 hours or less with the express permission of the real property owner or owners.

(b) "Transitory Shelter" - Without limitation, any vehicle or motor vehicle, including recreational vehicles and truck-tractors, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing. A recreational vehicle, semi-truck, or tractor trailer lawfully parked at a truck stop with fuel and accessory services shall not be considered transitory shelter for the purpose of this section.

(c) "Private Property" - Property or an area that is owned by an entity or individual that is not a governmental entity or educational institution.

10.06.02 - Prohibition of Unauthorized Camping

It shall be unlawful for any person to camp in a tent, recreational vehicle (RV), or similar transitory shelter on private property within the city limits that: (1) does not have an active certificate of occupancy for that use; or (2) is not zoned for human habitation.

10.06.03 - Notification to Landowners

(a) The City shall notify landowners via certified mail of any unauthorized camping occurring on their property. Notice to landowners will be accomplished in accordance with the Texas Local Government Code Section 54.005 Notice to Certain Land Owners stipulations that provide for a presumption of ownership if the recipient does not return a provided affidavit notifying the City that the property has been sold to another and providing the new owner's last known contact information. City Code Enforcement will issue these notices upon being notified of suspected violations of this ordinance and/or upon its own knowledge, belief or investigations of suspected violations.

(b) Landowners not disputing that the subject property is their own shall have 10 business days from the receipt of the notice to issue a trespass notice to the campers. Trespass Notice shall be accomplished in any form provided for by Texas Penal Code 30.05(b)(2) other than oral notice only. Written notice evidenced by a completed City of Greenville Police Department Criminal Trespass Notice issued in person, erection of a fence or other enclosure obviously designed to exclude intruders or to contain livestock, posting signs on the property reasonably likely to come to the attention of intruders, or placing purple paint marks on trees or posts on the property in accordance with 30.05(b)(2)(D) are all acceptable forms of issuing a trespass notice to campers.

10.06.04 – Penalties for Violations

(a) Any person found camping in violation of Section 2 shall be subject to a fine not exceeding \$500 per day of violation, after receiving a trespass notice from the landowner.

(b) Landowners who fail to issue a trespass notice within the specified timeframe shall be subject to a fine not exceeding \$500 per day, starting from the 11th business day after receipt of the notice until compliance is achieved.

(c) Landowners who fail to issue a trespass notice within the specified timeframe shall be subject to a fine not exceeding \$1000 per day, starting from the 31st business day after receipt of the notice until compliance is achieved.

(d) Landowners who fail to issue a trespass notice within the specified timeframe shall be subject to a fine not exceeding \$2000 per day, starting from the 91st business day after receipt of the notice until compliance is achieved.

10.06.05 – Enforcement

The Greenville Police Department, Fire Marshal, and Code Enforcement are authorized to enforce this ordinance.

2. Severability

If any portion of this ordinance is found to be unconstitutional or invalid, the remaining sections shall remain in effect.

3. Effective Date

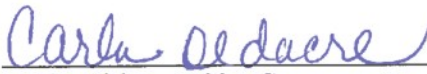
This ordinance shall take effect 10 days after its passage and after publication in the Greenville Herald Banner.

PASSED AND APPROVED this 13th day of February 2024.



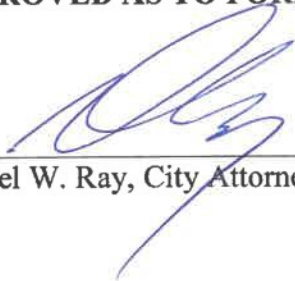
Jerry J. Ransom, Mayor

ATTEST:



Carla Oldacre, City Secretary

APPROVED AS TO FORM:



Daniel W. Ray, City Attorney